



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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August 29, 2007

BY ECF

Honorable Richard J. Holwell
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jeffrey Underwood v. City of New York, et al.
07 CV 7094 (RJH) (RLE)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney in the Office of the Corporation Counsel. I write to respectfully request an enlargement of time from August 29, 2007 to October 29, 2007 for the City of New York to answer or otherwise respond to plaintiff's complaint.¹ Plaintiff's counsel, Rudy Valez, Esq., has agreed to this enlargement of time. This is the City's first request for an enlargement of time.

In accordance with this office's obligation under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. In this case, plaintiff alleges, *inter alia*, that he was falsely arrested by members of the New York City Police Department on or about February 7, 2007. Accordingly, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. To that end, this office is in the process of forwarding to plaintiff for execution a N.Y.C.P.L. § 160.50 release so that we can access the sealed records from his underlying arrest.

Accordingly, defendant City respectfully requests that its time to respond to the complaint be extended to October 29, 2007.

¹ According to the docket sheet, Officer Daniel Ryan and Officer #81130 have not been served with process.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ _____
Jennifer L. Rubin (JR 7938)
Assistant Corporation Counsel

cc: Rudy Valez, Esq. (By ECF)